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Attorneys for Defendants

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

ARIEL ABITTAN

Plaintiff,

v.

LILY CHAO (A/K/A TIFFANY CHEN, A/K/A
YUTING CHEN), DAMIEN DING (A/K/A
DAMIEN LEUNG, A/K/A TAO DING),
TEMUJIN LABS INC. (A DELAWARE
CORPORATION), AND TEMUJIN LABS
INC. (A CAYMAN CORPORATION),

Defendants,

and

EIAN LABS INC.,

Nominal Defendant.

Case No. 5:20-cv-09340-NC

**DEFENDANTS' FOURTH AMENDED
INITIAL DISCLOSURES**

Complaint Filed: December 24, 2020

Judge: Hon. Nathanael Cousins

Pursuant to Fed. R. Civ. P. 26(a), pursuant to the hearing held on March 8, 2023, and pursuant to the March 23, 2023 meet and confer in this matter, Defendants by and through counsel, makes the following Initial Disclosures:

PRELIMINARY STATEMENT

These Initial Disclosures are based on information reasonably available to Defendants at this time and on Defendants' current understanding of the claims in this case. Defendants reserve the right to make supplemental and subsequent disclosures as information becomes available in the course of her investigation and discovery. By providing these disclosures, Defendants do not represent that they are identifying every document, tangible thing, or witness possibly relevant to this action. Defendants do not waive and expressly reserves any and all objections based upon relevance, materiality, competence, privilege, work product doctrine, immunity from disclosure, trade secret, undue burden, over-breadth and/or other grounds. Furthermore, these disclosures are not an admission by Defendants regarding any matter. All of the disclosures set forth below are made subject to and without limiting the above reservations.

INITIAL DISCLOSURES

(i) The name and, if known, the address and telephone number of each individual likely to have discoverable information—along with the subjects of that information—that the disclosing party may use to support its claims or defenses, unless the use would be solely for impeachment:

Defendants identify the following individuals:

Name	Address and Telephone Number	Subjects of Information
Paul Sherer	Address: 360 Leland Ave, Palo Alto, CA 94306 Phone Number: 650 223 4651	Plaintiff Abittan's involvement in Eian Labs Inc; Paul Sherer's direct interactions with Abittan; Paul has knowledge regarding Abittan's non-involvement at Findora and Temujin, Paul has knowledge regarding how often he saw Abittan at Eian Labs; Paul has knowledge of Abittan working at Eian

		Labs; Paul has knowledge regarding Abittan's attempts to discourage Findora employees and contractors to work at Findora.
Ravi Chiruvolu	<p>Address: 12011 Greenhills Ct, Los Altos Hills, CA 94022</p> <p>Phone Number: no longer known</p>	Plaintiff Abittan's non-involvement in the Findora Project and Temujin; Ravi's direct interactions with Abittan; Ravi has knowledge regarding Abittan's involvement in Eian Labs; Ravi has knowledge regarding how often he saw Abittan at Eian Labs; Ravi has knowledge of Abittan working at Eian Labs;
Daniel Mitchell	<p>Address: Flat 1, 30 Sheen Gate Gardens, SW14 7NY, London, UK</p> <p>Phone Number: no longer known</p>	Daniel has knowledge regarding Abittan's efforts to poach Temujin employees.
Nathan Yospe	<p>Address: 2471 Elena Ct Antioch, CA 94531</p> <p>Phone Number: no longer known</p>	Nathan has knowledge regarding Abittan's efforts to poach Temujin employees.
Eli Reinhardt	<p>Address: 320 Bridgecreek Way Hayward, CA 94544</p> <p>Phone Number: 510-935-9377</p>	Eli has knowledge regarding Abittan's efforts to poach Temujin employees.
Frank Fu	<p>Address: 3247 Emerson St, Palo Alto, 94306</p> <p>Phone Number: no longer known</p>	Frank has knowledge regarding Abittan's involvement in claiming ownership at Temujin and conspiring to poach Temujin employees.

Jill Gunter	<p>Address: 1355 Market St, San Francisco, CA 94103</p> <p>Phone Number: no longer known</p>	Jill has knowledge regarding Abittan spreading rumors and false claims, Abittan's claiming ownership at Temujin; Abittan poaching employees; Abittan's interest in Espresso System
Alfred Lin	<p>Address: 2800 Sand Hill Rd #101, Menlo Park, CA 94025</p> <p>Phone Number: no longer known</p>	Alfred has knowledge regarding Abittan spreading rumors and false claims, Abittan's claiming ownership at Temujin; Abittan poaching employees; Abittan's interest in Espresso System
Benjamin Fisch	<p>Address: 3863 Alameda De Las Pulgas Menlo Park, CA 94025</p> <p>Phone Number: no longer known</p>	Benjamin has knowledge regarding Abittan spreading rumors and false claims, Abittan's claiming ownership at Temujin; Abittan poaching employees; Abittan's interest in Espresso System
Charles Lu	<p>Address: 12210 SE 36th St., Bellevue, WA 98006</p> <p>Phone Number: no longer known</p>	Charles has knowledge regarding Abittan spreading rumors and false claims, Abittan's claiming ownership at Temujin; Abittan poaching employees; Abittan's interest in Espresso System
Benedict Bünz	<p>Address: 1355 Market St, San Francisco, CA 94103</p> <p>Phone Number: no longer known</p>	Benedict has knowledge regarding Abittan spreading rumors and false claims, Abittan's claiming ownership at Temujin; Abittan poaching employees; Abittan's interest in Espresso System

Nathan McCarty	Address: 660 Hugging Bear Dr Lexington, KY 40509 Phone Number: no longer known	Charles has knowledge regarding Abittan spreading rumors and false claims, Abittan's claiming ownership at Temujin; Abittan poaching employees;
Fernando Krell	Address: Jose Zapiola #7693-C, Santiago, 7860417, Chile Phone Number: no longer known	Fernando Krell has knowledge regarding Abittan spreading rumors and false claims, Abittan's claiming ownership at Temujin; Abittan poaching employees;
Philippe Camacho Cortina	Address: Sebastián Elcano 1100 departamento 152, Las Condes, Santiago, Chile Phone Number: no longer known	Philippe has knowledge regarding Abittan spreading rumors and false claims, Abittan's claiming ownership at Temujin; Abittan poaching employees;
Binyi Chen	Address: 959 Stewart Dr, Apt 1334, Sunnyvale, CA 94085 Phone Number: no longer known	Binyi has knowledge regarding Abittan spreading rumors and false claims, Abittan's claiming ownership at Temujin; Abittan poaching employees;
Luoyuan "Alex" Xiong	Address: Commonwealth Dr 50, Unit 07-510, Singapore Phone Number: no longer known	Alex has knowledge regarding Abittan spreading rumors and false claims, Abittan's claiming ownership at Temujin; Abittan poaching employees;
Keyao Shen	Address: 1426 Vallejo Dr, San Jose CA 95130 Phone Number: no longer known	Keyao has knowledge regarding Abittan spreading rumors and false claims, Abittan's claiming ownership at Temujin; Abittan poaching employees;

Noah Golub	Address: 272B Lexington St, San Francisco, CA 94110 Phone Number: no longer known	Noah has knowledge regarding Abittan spreading rumors and false claims, Abittan's claiming ownership at Temujin; Abittan poaching employees;
Brian Rogoff	Address: 519 Brannan Place, Santa Clara, CA 95050 Phone Number: no longer known	Brian has knowledge regarding Abittan spreading rumors and false claims, Abittan's claiming ownership at Temujin; Abittan poaching employees;
Joe Doyle	Address: 228 Morewood Ave, Pittsburgh, PA 15213 Phone Number: no longer known	Joe has knowledge regarding Abittan spreading rumors and false claims, Abittan's claiming ownership at Temujin; Abittan poaching employees;
Mat Richmond	Address: 308 Cirrus Dr NW, Albuquerque, NM 87120 Phone Number: no longer known	Mat has knowledge regarding Abittan spreading rumors and false claims, Abittan's claiming ownership at Temujin; Abittan poaching employees;
Helena Flack	Address: 22 West Hill, Wembley, Middlesex, UK Phone Number: no longer known	Helena has knowledge regarding Abittan spreading rumors and false claims, Abittan's claiming ownership at Temujin; Abittan poaching employees;
Cameron Dennis	Address: 1616 Franceschi Rd, Santa Barbara, CA 93103	Cameron has knowledge regarding Abittan spreading rumors and false claims, Abittan's claiming

	Phone Number: no longer known	ownership at Temujin; Abittan poaching employees;
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In addition to the above-listed individuals, Defendants reserve the right to rely upon the testimony of additional witnesses as may be identified in the course of further discovery and investigation, including but not limited to persons disclosed by Plaintiff.

(ii) **a copy—or a description by category and location—of all documents, electronically stored information, and tangible things that the disclosing party has in its possession, custody, or control and may use to support its claims or defenses, unless the use would be solely for impeachment:**

<u>Description by Category</u>	<u>Description by Location</u>
Text message and emails relating to Plaintiff Abittan's interactions with Findora and Temujin employees, consultants, advisors and investors related to the issues raised in the pleadings.	444 High Street, Suite 300, Palo Alto, CA 94301
Relevant text messages and emails between Lily Chao, Damien Ding, and Abittan related to the issues raised in the pleadings.	444 High Street, Suite 300, Palo Alto, CA 94301
Documents relating to the Findora project and Plaintiff's non-involvement with the Findora business including business agreement	444 High Street, Suite 300, Palo Alto, CA 94301

1	formations and product presentations	
2	Documents relating to the Temujin	444 High Street, Suite 300, Palo Alto,
3	business and Plaintiff's non-	CA 94301
4	involvement with the Temujin	
5	business including business agreement	
6	formations and product presentations	
7	Documents relating to ownership of	444 High Street, Suite 300, Palo Alto,
8	assets and intellectual property	CA 94301
9	relating to the Temujin business, not	
10	mentioning Ariel Abittan	
11	Documents relating to ownership of	444 High Street, Suite 300, Palo Alto,
12	assets and intellectual property	CA 94301
13	relating to the Findora business, not	
14	mentioning Ariel Abittan	
15	Agreements signed by Plaintiff and	444 High Street, Suite 300, Palo Alto,
16	Eian Labs	CA 94301

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19 Investigation is ongoing and Defendants reserve the right to supplement the list of
20 categories discussed above.

21 **(iii) a computation of each category of damages claimed by the disclosing party—who**
22 **must also make available for inspection and copying as under Rule 34 the**
23 **documents or other evidentiary material, unless privileged or protected from**
24 **disclosure, on which each computation is based, including materials bearing on the**
25 **nature and extent of injuries suffered:**

26 As to the claims asserted by Plaintiff Abittan, Defendants assert that they have no
27 liability and that Abittan is not entitled to any damages or relief, and as a result there is no
28 applicable computation of damages therefor. Defendants reserve the right to recover attorneys' fees and costs to the extent permitted by law. Defendants also reserve the right to assert any and

1 all necessary and appropriate claims for relief in this action, and will supplement their
2 disclosures to the extent necessary. Defendants anticipate that their response to any computation
3 of alleged damages by Abittan, and supporting documents and other evidentiary materials, will
4 be made available during the course of discovery, including expert discovery, in this action.

5 (iv) **for inspection and copying under Rule 34, any insurance agreement under which**
6 **an insurance business may be liable to satisfy all or part of a possible judgment in**
7 **the action or to indemnify or reimburse for payments made to satisfy the**
8 **judgment:**

9 Based on current information, Defendants are not aware of any such insurance
10 agreement.

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13 Dated: March 27, 2023

SAC ATTORNEYS LLP

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15 By: /s/ James Cai
16 James Cai, Esq.
17 Jackson D. Morgus, Esq.
18 Raymond G. Hora, Esq.
19 Attorneys for Defendants
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